



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,776	04/16/2004	Robert C. Getts	4081.010.200

28083
 LAW OFFICE OF MORRIS E. COHEN
 1122 CONEY ISLAND AVENUE
 SUITE 217
 BROOKLYN, NY 11230

CONFIRMATION NO. 8737

FORMALITIES LETTER



OC000000015008232

Date Mailed: 01/24/2005

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>
- For Patent Software Program Help, call (571) 272-2510 or email mark.spencer@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

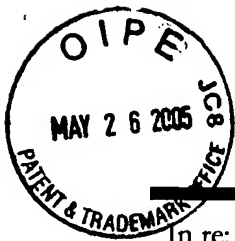
*A copy of this notice **MUST** be returned with the reply.*

B. Habtemichael

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Getts and Kadushin

Patent Application

Serial No.: 10/825,776

Filing Date: 04/16/2004

For: Methods for Detecting and Assaying
Nucleic Acid Sequences Using
Temperature Cycling

Attorney Docket No.: 4081.010.200

Mail Stop Missing Parts
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Transmittal Letter (8 pages total including this cover page)

Enclosed please find a response to the notice dated January 24, 2005, including a substitute sequence listing in computer readable and paper form. A two month extension of the time provided for response (and any further extensions should they be deemed necessary) is hereby requested. The Commissioner is hereby authorized to debit all amounts required from Deposit Account No. 50-1604.

Dated: May 24, 2005

Respectfully submitted,

Morris E. Cohen (Reg. No. 39,947)
1122 Coney Island Avenue, Suite 217
Brooklyn, New York 11230
(718) 859-8009 (telephone)
(718) 859-3044 (facsimile)

CERTIFICATE OF MAILING (FIRST CLASS MAIL)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 -1450 on the date listed below.

Morris E. Cohen
Mailing Date: May 24, 2005

05/27/2005 WASFAW1 00000072 501604 10825776

01 FC:1252 450.00 DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Getts and Kadushin

Patent Application

Serial No.: 10/825,776

Filing Date: 04/16/2004

For: Methods for Detecting and Assaying
Nucleic Acid Sequences Using
Temperature Cycling

Attorney Docket No.: 4081.010.200

Mail Stop Missing Parts
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Response to Notice dated January 24, 2005

Receipt is acknowledged of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated January 24, 2005. A two month extension of the time provided for response (and any further extensions should they be deemed necessary) is hereby requested. The Commissioner is hereby authorized to debit all amounts required from Deposit Account No. 50-1604.

In response to the notice, a substitute computer readable form (CRF) and paper form of the Sequence Listing is enclosed. The content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter. Please amend the application to add the present submissions thereto at the end of the specification, prior to the claims.

In the notice, the prior sequence listing was objected to with respect to Seq. ID No. 3 (field 213) which listed "Eukaryotic Poly A Tail" as the organism, and it was requested that a scientific name be

provided. Accordingly, as an example of an eukaryotic organism with a poly A tail the organism *Saccharomyces cerevisiae* has been listed.

It should be noted, however, that poly A tails are present in numerous organisms other than *Saccharomyces cerevisiae* (including, for example, humans, *homo sapiens*). A eukaryotic poly A tail is a sequence of adenine nucleotides known in the art, and which is added to the 3' end of some primary transcript messenger RNA molecules in eukaryotes during post-transcriptional processing. The length of such tails vary and the tail length in *Saccharomyces cerevisiae* is not necessarily twelve adenine nucleotides in length (but rather is generally longer). Accordingly, *Saccharomyces cerevisiae* is merely an example of an organism with such a tail, and the sequence corresponds to a segment of the usually longer tail in *Saccharomyces cerevisiae*. The present invention, however, is not limited to poly A tails of any particular organism or length, nor is it limited to tails from a natural source.

Dated: May 24, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'm. e. cohen', followed by a horizontal line extending to the right.

Morris E. Cohen (Reg. No. 39,947)
1122 Coney Island Avenue, Suite 217
Brooklyn, New York 11230
(718) 859-8009 (telephone)
(718) 859-3044 (facsimile)